

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
SENTENCING

**FILED**  
DISTRICT COURT OF GUAM  
SEP 20 2005

CASE NO. CR-05-00007-002

DATE: 09/20/2005

MARY L.M. MORAN  
CLERK OF COURT

HON. JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge  
Court Recorder: Jamie Phelps  
Hearing Electronically Recorded: 9:58:03 - 10:10:54

Law Clerk: Judith Hattori  
Courtroom Deputy: Virginia T. Kilgore  
CSO: B. Benavente

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: ERNEST Q. MUNA

( X ) PRESENT ( ) CUSTODY ( ) BOND ( X ) P.R.

ATTY: MARK SMITH

( X ) PRESENT ( ) RETAINED ( ) FPD ( X ) CJA APPOINTED

U.S. ATTORNEY: STEPHEN CHIAPPETTA

AGENT: JUSTIN OLIVER

U.S. PROBATION: STEVE GUILLIOT

U.S. MARSHAL: W. GRAY

INTERPRETER: \_\_\_\_\_

LANGUAGE: \_\_\_\_\_

( ) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS \_\_\_\_\_

Base offense level:

Total offense level:

Criminal History Category:

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

( ) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

( X ) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

( ) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

( ) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Parties adopted the presentence investigation report. Government counsel stated that he believes that Mr. Muna has not been officially barred from entering the base, however, there is a procedure that he will need to follow in order to gain access. He further stated that the base commander will have the final determination.

- (X) DEFENDANT SENTENCED TO PROBATION FOR A TERM OF TWO YEARS.
- (X) COURT RECOMMENDATION TO THE VARIOUS BASE COMMANDING OFFICERS FOR DEFENDANT TO ENTER MILITARY ESTABLISHMENTS SOLELY FOR THE PURPOSE OF ENJOYING HIS RETIREE BENEFITS.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, AND LOCAL CRIMES.
2. DEFENDANT SHALL NOT USE OR POSSESS ANY UNLAWFUL CONTROLLED SUBSTANCES.
3. THE MANDATORY DRUG CONDITION FOR THE DEFENDANT IS SUSPENDED BASED ON THE COURT'S DETERMINATION THAT THE DEFENDANT POSES A LOW RISK OF SUBSTANCE ABUSE.
4. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF PROBATION AS SET FORTH BY THE U.S. PROBATION OFFICE.
5. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
6. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
7. DEFENDANT SHALL PERFORM 300 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$10.00 AND A FINE OF \$50.00 IMMEDIATELY AFTER SENTENCING.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS.

CLERK OF COURT  
APPELLATE WORK  
2005-09-20  
FEDERAL COURT OF CIVIL  
JUDGE